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Tuesday, May 6, 2008



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, May 6, 2008

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

GOVERNMENT INVESTMENT IN PEOPLE, KNOWLEDGE AND INFRASTRUCTURE

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I have great respect for the Standing Senate Committee on Social Affairs, Science and Technology and the work it does. I remember fondly my many hours of work on various studies while a member of that committee.

I must admit that I was surprised by a news release from the committee, dated April 30. I was surprised that my honourable colleagues called for renewed investment in science and research when that is exactly what this government is already doing, as outlined in the federal budgets. Conservatives believe in rewarding hard work and providing incentives to create jobs and opportunities. That is why our government is delivering \$200 billion in tax relief to hard-working families and businesses, and why we have the lowest unemployment in a generation.

Some of the tax relief specifically benefits Canada's post-secondary students. Our government brought in a tax credit for textbooks and eliminated federal income tax on student scholarships, fellowships and bursaries.

• (1405)

Tax relief is important, but if Canadian businesses are to compete in the global economy, we must invest in people, knowledge, and modern infrastructure.

The government announced an additional \$800 million per year for the provinces and territories to strengthen the quality and competitiveness of Canada's post-secondary education system. Budget 2008 supports hard-working Canadian students with a \$350 million investment in a consolidated Canada Student Grant Program and \$123 million to improve and modernize the Canada Student Loans Program.

Canadian students will also benefit from investments of \$25 million to establish a new Canada graduate scholarship, \$21 million to strengthen the ability of Canadian universities to attract and retain leaders in science, and an additional \$80 million to Canada's three university granting councils for research into health care, industrial innovation and northern development.

Our latest budget also set aside an additional \$140 million for Genome Canada, and \$250 million over five years to help the auto industry develop innovative, greener and more fuel-efficient vehicles.

Honourable senators, under the strong leadership of Prime Minister Stephen Harper and members of the cabinet — Ministers Flaherty, Clement, Prentice, Emerson and Lunn — our government is investing in people, knowledge and modern infrastructure. By cutting taxes, paying down debt and investing in the knowledge of Canadians, our government is building a stronger Canada.

THE LATE HONOURABLE CHARLES CACCIA, P.C.

Hon. Jeremiah S. Grafstein: Honourable senators, I rise to pay tribute to the late Charles Caccia, who suddenly passed away over the weekend. Charles Caccia was a friend and a Liberal stalwart for over 40 years.

Born in Italy and educated throughout Europe, he immigrated to Toronto and became involved with COSTI, the Toronto Italian community services outreach organization helping immigrants and others to adjust to Canada.

Charles was a man of the left, so much so that sometimes he was ignored by members of the Toronto Italian community, where he was respected for his honesty but where his views were not always fully appreciated.

He was an academic of note. He became a professor of forestry at the University of Toronto and became interested in environmental issues.

I first became acquainted with Charles in the early 1960s when he and I worked the streets of downtown Toronto for the Liberal cause. When his hero and mentor, Walter Gordon, left Parliament and left the Davenport riding seat open in 1968, after a very raucous, contested nomination of over 5,000 people at the coliseum at the CNE, Charles won the Liberal nomination. After that, he continued to hold the Davenport seat for 10 successive Parliaments until 2004, when he returned to academia.

After a very distinguished parliamentary career as a backbencher serving on many committees, Charles was appointed as Minister of Labour under Pierre Trudeau, and then became Minister of the Environment under John Turner.

With his environmental expertise, Charles became almost the godfather of environment issues within Parliament and beyond into the wider community. When he left Parliament, he continued and started teaching as a fellow at the prestigious University of Ottawa Institute of the Environment.

Charles was a formidable personality. He was a thoughtful, well-read, independent, prickly, outspoken, at times aggressive left-wing Liberal who was consistent and passionate in his views. He was relentless and he was also an outspoken champion of the labour movement and working Canadians.

Charles loved Canada. He believed in and fought for one Canada. He was a true believer.

In his latter years, Charles served as Chairman of the Canada-Europe Parliamentary Association and encouraged me to become active at the OSCE parliamentary assembly in Europe, where he felt that Canada needed a consistent and constant voice for human rights and issues of interest to all Canadians.

Charles will be sorely missed in the Liberal Party, where he brought a perception, an attitude and a strong voice that is growing dimmer and dimmer, not only within the party but across Canada.

Our condolences to his devoted family. To know Charles was to never forget his honesty, his courage, his independence, his passion and his commitment for a progressive reform agenda for all Canadians.

[Translation]

THE LATE NEIL CHOTEM

Hon. Andrée Champagne: Honourable senators, on February 21 Canada's arts community lost a great musician, Neil Chotem.

If you were to ask me what kind of music Neil Chotem was famous for, I would have to say all kinds of music.

He once said:

In the long run, if you succeed in ignoring the existing categories, you end up creating a new one.

That was Neil Chotem.

• (1410)

A child prodigy on the piano at age five in his native Saskatchewan, he moved to Winnipeg ten years later, at which point he quit his academic studies to devote himself to music. Soon, he was giving solo recitals and performing with symphony orchestras.

In 1942, he joined the air force as a musician. To be able to take part in parades, he decided to learn to play the mellophone, a sort of French horn. It took him two weeks to master the instrument.

After the war, he settled in Montreal and married the woman who organized all the military band tours. They had three children. To earn a living and satisfy his musical curiosity, Neil Chotem wrote hymns and founded a jazz trio, while preparing to play Rachmaninoff's *Concerto No. 2* with the Toronto Symphony Orchestra. Later, he wrote arrangements and directed musical ensembles for numerous CBC and Radio-Canada variety programs.

He worked with every singer in Montreal and became convinced of the importance of learning French. When I met him in the 1970s, he refused to let me speak English to him.

Neil Chotem also wrote for the ballet. I am thinking of *Pythagore 1 à 7*. As well, as surprising as it may seem, he let himself be talked into working with a rock group: Harmonium.

Serge Fiori refers to Neil Chotem as a model, a mentor. Chotem used his talents as an arranger and pianist on the group's album *L'Heptade*, imbuing Harmonium's music with a sort of French impressionism reminiscent of the colours and nuances of Debussy and Vaughan Williams. The album is unforgettable.

Perhaps remembering his memorable tour with Harry Belafonte, Neil Chotem continued composing and arranging for the rest of his life.

Without him, Canadian music, whether it be classical, popular, jazz or rock, will never be the same.

Maestro Neil Chotem, we honour your memory and extend to you our heartfelt thanks.

[English]

FEDERAL EQUALIZATION PAYMENTS TO PROVINCES

Hon. Lowell Murray: Honourable senators may be pained to hear that I will speak about equalization, but they may be reassured by the three-minute time limit on Senators' Statements.

In recent years, eight provinces have been recipients of equalization payments. Today, there are six. In the not-too-distant future, there may be five. Provinces such as Saskatchewan, British Columbia, and Newfoundland and Labrador become eligible or ineligible for payments as their respective fiscal capacities fall below or rise above the national average. In my opinion, this shows that the concept of equalization is working as it was intended to do.

The prospect that Ontario will be eligible a couple of years from now has created a great clamour among the commentariat. Some are calling for a radical overhaul of the program in order to disqualify Ontario. The Constitution Act, 1982 defines the purpose of equalization payments as being "... to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation." An objective measurement of each province's fiscal capacity relative to a national average is still the best and fairest way to calculate equalization entitlements, and we should stick with it. In this context, description of provinces as "have" and "have-not" is inaccurate and misleading.

Alberta was briefly a recipient of equalization payments in the early days of the program. Ontario's eligibility may well turn out to be also short-lived. In any case, as Premier Williams said Sunday, Ontario's "broad shoulders" have carried the rest of the country many times. The formula should not be manipulated to deny the province what, objectively speaking, is its due.

If and when there are serious affordability problems for the federal treasury, there are recommendations on the public record as to how these may be resolved without imposing a burden on any recipient province relative to the others.

As for Newfoundland and Labrador's emerging renaissance, in which we all rejoice, some perspective helps. Last week's budget reported that their unemployment rate in 2007 "... fell to

13.6 per cent . . . the lowest rate in 26 years” and that in 2008, the unemployment rate is forecast at 12.4 per cent. A province that has been losing people recorded a net in-migration of 2,000 in the last half of 2007. This is welcome progress but, clearly, it has only just begun.

• (1415)

MOTHER'S DAY

Hon. Terry M. Mercer: Honourable senators, this Sunday is Mother's Day. I would like to pay tribute to all mothers across Canada but, in particular, to four.

Of course, the first mother to whom I would like to pay tribute is my own, Bessie Mercer, who is 88 years old and will be 89 on July 3 if the good Lord is willing. My mother has the privilege of still living alone, driving her car, spending her weekend nights at the local Legion — dancing her feet off if she can — and participating in the community. I thank my mother for many things: for her love, support, criticism and, most of all, for my liberalism.

I also thank another important woman in my life, my mother-in-law, Catherine Simmons, who passed away a number of years ago. I thank her for her friendship, her love and, most importantly, for her daughter.

Of course, I thank my wife, Ellen, who I have been married to for 37 years, for her love, patience, dedication, support and, indeed, understanding.

Thank you for being a wonderful mother to our son, Michael.

I also pay tribute to Dora Munson, the mother of my friend and seatmate, Senator Jim Munson. Dora has been ill lately, but at 95 years of age is fighting back.

Thank you, Dora, for your dedication to Jim and his siblings. Our prayers are with you.

I close with a quote from one of Canada's greatest children's authors, Robert Munsch, from his book *Love You Forever*. If you do not want to cry, you should leave. In the final part of the book, it says:

Well, that mother, she got older. She got older and older and older. One day she called up her son and said, “You'd better come see me because I am very old and sick.” So her son came to see her. When he came in the door she tried to sing the song. She sang:

I'll love you forever,
I'll like you for always . . .

But she couldn't finish because she was too old and too sick. The son went to his mother. He picked her up and rocked her back and forth, back and forth, back and forth. And he sang this song:

I'll love you forever,
I'll like you for always,
As long as I am living,
my Mommy you'll be.

[Senator Murray]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to the tabling of documents, I wish to draw to your attention the presence in the gallery of Mr. Bruno Rodriguez Parrilla, First Deputy Foreign Minister of the Ministry of Foreign Affairs of the Republic of Cuba. He is accompanied by His Excellency Ernesto Antonio Senti Darias, Ambassador of the Republic of Cuba to Canada. They are guests of the Honourable Senator Ringuette.

On behalf of all senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

[*Translation*]

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of recent graduates from the Consortium national de formation en santé. They are accompanied by the executive director of the program, Jocelyne Lalonde.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

ROUTINE PROCEEDINGS

AUDITOR GENERAL

MAY 2008 REPORT WITH ADDENDUM OF ENVIRONMENTAL PETITIONS—TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the May 2008 report of the Auditor General of Canada, pursuant to section 7(5) of the Auditor General Act, as well as an addendum, consisting of copies of environmental petitions received between July 1, 2007, and January 4, 2008.

• (1420)

THE SENATE

ELECTIONS CANADA—NOTICE OF MOTION IN SUPPORT OF AGENCY

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

Whereas Elections Canada is an independent and non-partisan body mandated by Parliament to administer all aspects of federal elections;

Whereas Elections Canada carries out its mandate fairly, openly and professionally;

Whereas Elections Canada has an impeccable international reputation and has been asked to provide electoral assistance in countries around the world by, among

others, the United Nations, the Organization for Security and Cooperation in Europe, the Organization of American States, La Francophonie and the Commonwealth;

Whereas since 1980 Elections Canada has organized some 400 international development missions in 100 countries in response to such requests;

Whereas Elections Canada enjoys a national and international reputation for excellence that is above reproach;

Whereas Canadians should be able to have confidence that the next federal election will be administered freely, fairly and openly by Elections Canada;

That the Senate therefore express its full and unswerving confidence in Elections Canada and the Commissioner of Canada Elections.

[English]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Wilbert J. Keon: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Social Affairs, Science and Technology be authorized to sit on Tuesday, May 20, 2008 and Wednesday, May 21, 2008 in St. John's, Newfoundland, for the purposes of its study of population health, even though the Senate may then be adjourned for a period exceeding one week.

INCOME TAX AMENDMENTS BILL, 2006

PRESENTATION OF PETITION

Hon. Jim Munson: Honourable senators, I have the honour to present a petition from Jeremy Davis, a grade eight student at Westboro Academy in Ottawa, praying for the passage of a petition to save the arts.

We, the undersigned, ask the Canadian Senate to remove from passage the amendment in Bill C-10 the clause which allows the government to decide which films made in Canada are eligible for tax credits. This is censorship of the arts and cannot be tolerated. The government should promote the arts, not stifle them.

[Translation]

QUESTION PERIOD

TREASURY BOARD

DISCONTINUANCE OF COORDINATION OF ACCESS TO INFORMATION REQUEST SYSTEM

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Minister of Public Works and Government Services. Ever since the Coordination of Access to Information Requests system was created it has been the responsibility of the Minister of Public Works and Government Services.

The Conservative government, which was elected on transparency and accountability, is demonstrating once again, by discontinuing the CAIR database, that its promises were nothing more than hollow electioneering. CAIR allows every citizen to find out what information Canadians have obtained through the Access to Information Act.

The government has justified this action by saying, through a government spokesperson:

- (1425)

[English]

The registry is being discontinued because it's not valued by government departments.

[Translation]

The government does not seem to understand the purpose of the program it has discontinued. It was never a question of whether this program was valued by the government, at least not at the time when the bill was passed. This program was created to be valued by Canadians, who ask that their government be transparent and accountable.

Could the minister explain why his government is in the process of setting up what could be called a state secret?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the honourable senator for her question. This topic is the responsibility of the President of Treasury Board and not the Minister of Public Works, as the honourable senator stated in her question.

The Coordination of Access to Information Request system, better known as CAIR, was set up by the previous government in order to control and manage access to information requests. It was set up in such a way as to bring all access of the press to the desk of the Prime Minister, rather than let the access to information system work properly.

If the honourable senator's party and government were such big supporters of the system, why did they not keep it up to date? A 2004 survey showed that some major departments never updated the information in that system, and many others did only

rarely. In 2004, the Liberals stopped sending out the information in the CAIR system in searchable electronic files.

The fact is that we have expanded access to information to 70 additional government institutions. Canadians can now see how their tax dollars are being spent; witness the stories we are now seeing about the CBC and Canada Post, to name just two.

[Translation]

Senator Hervieux-Payette: Honourable senators, if I am hearing the Leader of the Government right, although she lacks conviction, we will have access to everything in the Library of Parliament, but our research will be more efficient if the information classification index is destroyed. That would leave us looking at every book in the library before finding what we need for work, research or information.

Can the minister tell us what good reason prompted her government to decide to discontinue the CAIR system, which allowed for quick and efficient consultation, in her words, without providing access to the basic information?

[English]

Senator LeBreton: Honourable senators, that information remains available, and anyone who wishes to have it can simply ask for it.

To reiterate the point I made in my first answer, I will read a segment of an article dated March 28, 1997, from the magazine *Canadian Business Technology*:

Former Defence Minister David Collenette resigned in October after an access request turned up a letter he wrote that breached cabinet ethics guidelines. With the CAIR system, any request involving a minister's conduct is shipped to the Prime Minister's desk 'right away because he is responsible for the ethical behaviour of his ministers,' says Mitchell Sharpe, a close advisor to Jean Chrétien.

Mr. Chrétien was able to consult with his ethics counsellor, decide upon Collenette's fate and choose a successor, all before the request was filled and the media feeding frenzy began.

That was a convenient system that Mr. Chrétien set up, whereby access to information requests were gathered in such a way as to give him, as the Prime Minister, a head start on how to respond.

By contrast, under the Accountability Act, we have expanded access to information. As I mentioned, 70 additional government institutions have been added to the system, and Canadians can now see how their tax dollars are spent.

I believe it has been proven that there has been a great increase in the number of requests for access to information. The last report we heard was that many departments' grades had improved, according to the commissioner.

• (1430)

Hon. Francis Fox: Honourable senators, my question is for the Leader of the Government in the Senate. The point at issue is the recent termination of the registry by the government. As the

[Senator LeBreton]

minister knows, the Access to Information Act was proclaimed 25 years ago this year. In a sense, this year is a celebration of the Access to Information Act and the closure of the registry is an odd way to mark the milestone.

The father of freedom of information legislation in our country was an eminent Albertan Progressive Conservative member of Parliament, the Honourable Gerald Baldwin. His efforts were rewarded by the introduction by the Clark government of a bill that carried the title of Freedom of Information, which was shepherded in the House by an eminent and respected Progressive Conservative parliamentarian, the Honourable Walter Baker. It was reintroduced by the successor government of Pierre Elliott Trudeau, adopted by Parliament and proclaimed into law on July 1, 1983.

In 1989, the government of the Right Honourable Brian Mulroney greatly enhanced the access legislation by introducing the same registry that was terminated this week.

Would the minister and her colleague, the Minister of Public Works, ask their colleagues to reconsider an action that will, as a matter of fact, greatly reduce the legacy and efforts of successive governments and generations of parliamentarians to strengthen, rather than weaken, a law that has well served democratic life in Canada?

Senator LeBreton: I thank the honourable senator for his question. We did not weaken access to information; we strengthened it. We will not, as was done in the past, maintain elaborate and incomplete centralized control over access to information that is expensive, bureaucratic and does little to improve actual access to information.

Therefore, as I said in answer to the honourable senator's leader, all of the information that was part of the CAIR system remains available to anyone who asks for it. Some individuals have been requesting the contents of this internal database and posting it on their own websites for public use. They can continue to do this. All people have to do is ask for the information, as they always have, and the information will be made available.

Senator Fox: Honourable senators, when the honourable member talks about reducing costs or says that the efficiency of the system is still in place, it is hard to understand how that argument can be made when, as a matter of fact, the registry will no longer be updated.

My interpretation of the information that is available at the moment suggests that precisely the opposite of what the leader is saying is more likely to be true. The database allows researchers to determine whether the information they seek has been requested by others and, if so, they need only request a copy of what has already been prepared. Blinding researchers to that ensures that many duplicate requests will be made and bureaucrats will needlessly be forced to process each request as though it were brand new, rather than simply photocopying what has already been prepared. I have trouble understanding how doing away with this system increases efficiency and reduces costs.

Senator LeBreton: As I said earlier, the information was not up to date under the Liberals. Many departments did not update their information for over four years.

With regard to individual researchers, they simply have to ask if there has already been an access request on any given subject, and the information will be made available to them.

Senator Fox: Instead of saying departments have not supplied information to the registry and that is the reason they are closing down the registry, would it not be in the greater interest of access to information in this country if the Treasury Board were to issue a directive to those departments telling them that henceforth they shall supply the information that is requested? That would be far more in keeping with the legacy of freedom of information legislation in this country which was championed by people on both sides of this house.

• (1435)

Senator LeBreton: Honourable senators, expanding the Access to Information Act to include many more agencies has much more to do with providing the public with access to information than with maintaining a registry that has been proven to be counterproductive to access to information because it gave a heads-up on requests or centralized control of information. I believe in the system that we have put in place by adding 70 additional agencies to be eligible for access to information.

I wish to point out that all of these access requests are handled by various departments. It is an immense amount of work to update a registry with information that has been proven not to have been used. If an individual really wants to know if there has been an access to information request on a specific subject, he or she can simply ask for that information. Multiple pages of a registry are not necessary when either a simple phone call or a request via computer to see if the question has been asked before will suffice.

PRIVY COUNCIL OFFICE

DRAFT COMMUNICATIONS POLICY

Hon. James S. Cowan: Honourable senators, my question is for the Leader of the Government in the Senate. Last week, Auditor General Sheila Fraser set off a fire storm in the House of Commons Standing Committee on Public Accounts when she said:

Recently, for example, there's a draft communication policy going around that would have all communication strategies, all communications, everything, go through Privy Council Office. Well, I can tell you there is no way that my press releases about my report are going to go to Privy Council Office or our communications strategies are going to be vetted by Privy Council Office.

The next day in the House of Commons, Mr. Van Loan was asked to table the draft communications policy to which the Auditor General had referred. The government refused to do so.

In view of the fact that this government has earned a well-deserved reputation for centralized control of the message, the leader will understand why this assurance by Mr. Van Loan was received with some skepticism. Will the leader clear the air

once and for all by obtaining and tabling in this house the draft communications policy so that Canadians can see, once and for all, what this government is up to?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I answered this question last week. My answer remains the same: The government has never had any intention of requiring independent agents of Parliament to make their communications known to the government in any way, shape or form.

I do not have the exact news story, but I read somewhere that, following her appearance before the committee, the Auditor General herself clarified this matter.

Senator Cowan: Honourable senators, my question to the Leader of the Government in the Senate is very simple. I repeat: Will the minister obtain and table a copy of the draft communications policy in this house, yes or no?

Senator LeBreton: We do not have a draft communications policy for officers of Parliament, and I cannot very well table something that does not exist.

Senator Cowan: The question is not about whether it applies. We are asking the leader to table the policy so that we can see it for ourselves.

Mr. Van Loan has given assurances in the past that have been somewhat less than fulsome and forthcoming. Therefore, perhaps the best way to clear the air would be to table a draft communications policy in this house. We can then see for ourselves who is caught and who is not.

Senator LeBreton: The fact is that there is no draft communications policy that applies to officers of Parliament. As I said a moment ago, I cannot table something that does not exist.

I will be happy to look into what my colleague Mr. Van Loan, the Leader of the Government in the House of Commons, said in the other place. I would like to know to what he was referring. However, in terms of officers of Parliament, there is no such directive.

• (1440)

[Translation]

ECONOMIC DEVELOPMENT AGENCY OF CANADA FOR REGIONS OF QUEBEC

MONTREAL INTERNATIONAL—FUNDING

Hon. Jean-Claude Rivest: Honourable senators, my question is for the Leader of the Government in the Senate. Quebec's economic development minister, Raymond Bachand, has publicly expressed disappointment with a decision made by the federal minister responsible for regional economic development, Jean-Pierre Blackburn, concerning Montreal International. Montreal International was and still is a very important resource for the economic development of Quebec in that it scouts out new investments and promotes the economic benefits of the Montreal area.

In recent months, although it is represented on the board of directors of Montreal International, the Canadian government decided to cancel its financial support for Montreal International. The minister said that this was because Montreal International is a non-profit organization and the government decided to award grants only to specific projects and not to advisory bodies. Nevertheless, while there has been good cooperation between the Canadian government and the Quebec government in many areas and on many files, this one has turned out to be very disappointing.

Can the minister tell us whether the government plans on changing its attitude to support Quebec's economy and, thus, Canada's economy?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. Minister Blackburn has indicated that the government will continue to support economic organizations, but we are supporting one-off projects and no longer providing recurring funding.

Montreal International has received \$66 million from the Canada Economic Development Agency over the past 10 years, and we expect Montreal International to present the government with a transition plan. In two years, effective March 31, 2010, it is hoped that Montreal International will be self-sufficient and able to draw support from the community. There is a transition period until 2010.

Although the government clearly sees projects such as this one as helping to establish the economic development of organizations, it is not providing recurring funding. The current funding is meant to get an organization up and running and able to function on its own.

[Translation]

Senator Rivest: Could the minister, after consulting Mr. Blackburn, bring to the Senate a list of the other organizations from across Canada that have been affected by this Canadian government decision?

[English]

Senator LeBreton: I would be happy to find that information for the honourable senator.

THE CABINET

RECORD OF GOVERNANCE

Hon. Tommy Banks: Honourable senators, my question is for the Leader of the Government in the Senate. I had planned on entirely different questions, but some of the questions that have already been asked lead me to this one.

The minister's government has proclaimed that it is putting into place a new era of transparency and accountability. That is what they have proclaimed, but today we have heard that the government has shut down the Coordination of Access to Information Requests System.

[Senator Rivest]

The week before last, we had the spectacle of government communications people exiting down the fire escape of the Lord Elgin Hotel in order to go to another hotel to try to have a press conference with selected members of the press.

The minister's government has shut down the Law Commission of Canada, abolished the Court Challenges Program and is keeping Canadians from having their proper constitutional representation in this place.

It has fired the head of the Wheat Board for doing his job, which was to act at the behest of his board, and removed the head of the Canadian Nuclear Safety Commission because she did her job.

• (1445)

How can the government still look in the mirror in the morning and say to Canadians that you have anything to do with accountability, transparency or truth?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the honourable senator needs to be more original with his questions; that is the same sort of question that Senator Goldstein asked a couple of months ago.

First, information access requests are not handled by ministers or political staff. The work is done by professionals in the public service. Second, the number of requests for access to information has grown significantly. The requests are up from less than 25,000 in 2005 to 30,000 in 2007. Finally, our government is expanding coverage to more institutions and, in April, 2007, we expanded access to information to cover the Canadian Wheat Board; agents of Parliament, including the Office of the Auditor General; and five foundations.

Last September, seven additional Crown corporations were brought under the Access to Information Act, including the Canadian Broadcasting Corporation and Canada Post. Coverage was also extended to all wholly-owned subsidiaries of Crown corporations.

In 2006-07, the Information Commissioner's annual report, which I referred to a moment ago, found that nine institutions improved their grades under our watch, with three moving all the way from an F grade to an A grade.

The fact of our party's dispute with Elections Canada is well-known. However, it is a matter that is before the courts, and we will let the courts decide.

The honourable senator talks about other programs. I have said this many times, and I will repeat it again: Our government actually won the election. I know some honourable senators have difficulty accepting that fact, but we won the election to bring in our programs and to also deliver on programs that we advocated in our election platform. We were not elected in January 2006 to carry on with old, failed Liberal programs, despite how viable honourable senators might have thought those programs were.

Senator Banks: Honourable senators, the Coordination of Access to Information Requests System was introduced, as Senator Fox said, in the present form by the government of Prime Minister Mulroney. It was not a failed program or a Liberal program.

PRIVY COUNCIL OFFICE

DRAFT COMMUNICATIONS POLICY

Hon. Tommy Banks: If the honourable senator checks the transcript, she will find that no one today has asked her about the Access to Information Act. We were asking about the registry.

I will revert to Senator Cowan's question. He did not ask whether the honourable senator had tabled a document to do with a communications strategy related to officers of Parliament; he asked if the honourable leader would table a document that had to do with communications strategy — unequivocal and unmodified. Will the honourable leader please do that?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, Senator Cowan started by asking about the Auditor General, who is an officer of Parliament. Therefore, I was responding to his question. It was based on the Auditor General's apparent testimony to a committee in the other place, where there was clearly some misunderstanding of information, and which the Auditor General has apparently corrected herself. I was within my right to respond to the question about officers of Parliament, since that was the question he asked me.

I will speak to the registry. The registry is a system whereby there can be more — not less — control over the public's right to access to information. We have expanded the Access to Information Act, as I have said. The registry was costly and bureaucratic, and no one used it. If researchers and other people who want to make an access to information request of the government without asking a question that has already been asked, it is a simple matter for them to make that inquiry. They will then be told whether or not that question has already been accessed, and that that information is available.

I hasten to add that another honourable senator from Alberta, Senator Mitchell, wanted to exclude the Wheat Board from the Access to Information Act.

• (1450)

THE ENVIRONMENT

ALBERTA OIL SANDS—DEATH OF MIGRATING DUCKS

Hon. Francis William Mahovlich: Honourable senators, I rise today to inquire about a tragic event that took place last week in Northern Alberta. The terrible incident made headlines across the country and indeed around the world. It is an incident that I, like many others, feel was fully avoidable.

[*Translation*]

I am talking about the ducks that were stuck and that died after landing in a toxic tailings pond north of Fort McMurray. Some 500 ducks landed in this pond during their annual migration north, but only one of them survived.

[*English*]

This tragedy struck last Monday at the Aurora settling basin owned by Syncrude. According to their website, the company uses audible noisemakers to deter birds from landing on the ponds from spring until fall. However, due to bad weather conditions, the deployment of the noisemakers was delayed.

I recall hearing about the snowstorm Alberta experienced recently, but I also remember they had very mild temperatures for over a week at the beginning of April. Surely the noisemakers could have been deployed at that time, especially if the company was aware of the upcoming snowstorm.

Sadly, it seems that these 500 ducks were only a small number of the wildlife that is being harmed by these toxic waste basins. Over the weekend, it was reported that another eight birds, including three loons, had settled on a briny pond belonging to another company's oil sands project in Northern Alberta.

Aboriginal leaders in Fort McMurray have called on the federal government to launch an inquiry. Recently, the Government of Alberta announced that it will not launch a public inquiry into this tragedy, but has stated that Syncrude could be fined nearly \$1 million if they did not have equipment in operation to scare the birds away.

While I agree that the company should be penalized if it is proven they were negligent in this event, it is my hope that everything possible will be done in the future to prevent something like this from happening again. This tragedy is a disgrace and has tainted both Alberta's and Canada's international image.

My question is for the Leader of the Government in the Senate. What role will the federal government play in investigating this incident and in preventing future ones from occurring?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank Senator Mahovlich for the question. As he knows, the Prime Minister happened to be in Alberta a few days after this very sad incident, when he was attending the opening of the Mazankowski Heart Institute. Both the Prime Minister and Minister Baird are obviously concerned about this situation.

Officials from Environment Canada and the Canadian Wildlife Service are on the scene to provide support. The Minister of the Environment has asked officials of the Department of the Environment to take immediate action to investigate this serious matter, including determining whether any laws were broken. An investigation is currently moving forward.

Obviously, I agree with Senator Mahovlich that this was a very negative story for Canada, the Province of Alberta and the oil industry. Having said that, the oil sands are one of our greatest resources and we are taking measures to develop more environmentally friendly ways to deal with emissions in the future.

• (1455)

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table two responses to oral questions, one raised by Senator Murray on February 7, 2008, concerning natural resources, strategic petroleum reserves; and one raised by Senator Goldstein on February 7, 2008, concerning natural resources, strategic petroleum reserves.

NATURAL RESOURCES

STRATEGIC PETROLEUM RESERVES

(Response to question raised by Hon. Lowell Murray on February 7, 2008)

The Borden line, established in response to the Royal Commission on Energy (Borden Commission), was created in order to create an additional market for Western Canadian crude oil, not as a means to ensure a secure supply of crude oil to Eastern Canada. All refiners west of the Ottawa Valley were required to purchase crude oil from Western Canadian sources. Quebec and Atlantic Canada still relied heavily on imported crude oil following the initial construction. In the early 1970s, the pipeline from Western Canada was extended to Montréal in response to growing concerns about the accessibility of foreign crude oil. Decreasing concerns about the security of foreign oil and a decline in production of Canadian conventional crude oil resulted in the reversal of the Sarnia to Montréal portion of the pipeline in the late 1990s.

(Response to question raised by Hon. Yoine Goldstein on February 7, 2008)

The issue of whether or not Canada should hold strategic oil reserves has been discussed and analyzed frequently since the oil crises of the 1970s. Each time, the issue arose in response to differing sets of circumstances. In all situations, further analysis led to the conclusion that the cost of a Strategic Petroleum Reserve outweighed the benefits for Canadians. Natural Resources Canada undertook, as recently as March 2007, a full assessment of Canada's need for a strategic crude oil reserve and a strategic heating oil reserve in Atlantic Canada. Again, it was found that despite the region's dependence on imported crude oil, there was no need for strategic reserves.

All refinery operations serving Atlantic Canada have efficient storage and distribution systems and supply lines; moreover, they are net exporters of heating fuel, serving mainly the United States Northeast market. This provides not only a secure supply, but also adequate coverage in the event of a disruption. Storage could be easily drawn down and distributed to most major centres in a timely manner.

In the case of an international crisis affecting world supply of crude oil, Canada's membership in the International Energy Agency provides the flexibility to swap oil in the West for alternate imports in the East. While

Canada is not obligated to hold strategic reserves, under this agreement, it is understood that if there was a shortage, countries holding reserves would contribute to the world market thus freeing up imports that could be diverted to regions such as Eastern Canada.

[English]

HERITAGE LIGHTHOUSE PROTECTION BILL

MESSAGE FROM COMMONS—AMENDMENTS

The Hon. the Speaker informed the Senate that a message has been received from the House of Commons returning Bill S-215, An Act to protect heritage lighthouses, and acquainting the Senate that they have passed this bill with the following amendments, to which they desire the concurrence of the Senate:

Thursday, May 1, 2008

AMENDMENTS made by the House of Commons to Bill S-215, An Act to protect heritage lighthouses.

1. *Preamble, page 1:* Add after line 15 the following:

“AND WHEREAS it is important to provide access to heritage lighthouses in order for people to understand and appreciate the contribution of those lighthouses to Canada's maritime heritage;”

2. *Clause 2, page 2:* Replace line 9 with the following:

“this Act, and includes any related building”

3. *Clause 2, page 2:* Replace lines 19 to 28 with the following:

““related building”, in relation to a heritage lighthouse, means any building on the site on which the lighthouse is situated that contributes to the heritage character of the lighthouse.”

4. *Clause 6, page 3:* Replace line 6 with the following:

“include any related building that the Min-”

5. *Clause 7, page 3:* Replace line 29 with the following:

“whether any related buildings should be”

6. *Clause 11, page 4:* Replace line 19 with the following:

“lated building should be included in the des-”

7. *Clause 16, page 5:* Replace line 23 with the following:

“house and whether any related building”

ATTEST:

Clerk of the House of Commons

On motion of Senator Murray, message placed on the Orders of the Day for consideration at the next sitting of the Senate.

POINT OF ORDER

Hon. Terry M. Mercer: Honourable senators have known for some time the disdain that Senator Fortier has for this place, for members of the Liberal caucus and for his own caucus members. However, I do not think that honourable senators need stand for the fact that he constantly shows disdain and disrespect for the chair of this chamber. Again today, Senator Fortier rose from his seat and left the chamber. I draw the attention of honourable senators to rule 19(2) of the *Rules of the Senate* under the heading, “Demeanour of Senators in Chamber,” which states:

When entering, leaving or crossing the Senate Chamber, Senators shall bow to the Chair, symbol of the authority of the Senate. . . .

I would ask His Honour to speak to the honourable senator. I do not care that the honourable senator does not like me or my colleagues or his own colleagues, but I do care that he continues to show disrespect for His Honour.

Some Hon. Senators: Hear, hear!

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this is not a point of order.

The Hon. the Speaker: Honourable senators, I will take the matter under review and report back expeditiously.

• (1500)

[*Translation*]

ORDERS OF THE DAY

INTERNATIONAL BOUNDARY WATERS TREATY ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., for the Honourable Senator Carney, P.C., seconded by the Honourable Senator Day, for the second reading of Bill S-217, An Act to amend the International Boundary Waters Treaty Act (bulk water removal).—(*Honourable Senator Nolin*)

Hon. Pierre Claude Nolin: Honourable senators, Bill S-217 may be short, but it is nonetheless very important because it seeks to amend an act concerning a treaty. Given that I have not completed my research, I ask that the debate be adjourned in my name for the remainder of my time.

The Hon. the Speaker: Senator Murray asked a question regarding procedure with respect to this item, as it has reached its fourteenth day on the *Order Paper and Notice Paper*. Senator Nolin said he would like to finish his research.

This item will be at the fifteenth day if Senator Nolin begins debate for a certain period and wishes to continue for the time remaining to him. Is that indeed what Senator Nolin is proposing?

Senator Nolin: Your Honour, I ask that the debate be adjourned in my name for the remainder of my time.

The Hon. the Speaker: Except that we must begin the debate. Senator Murray asked a question about this item and there was an answer to his question. That means that, if Senator Nolin is proposing that the debate be adjourned, tomorrow will be the fifteenth day. However, if the senator wishes to begin the debate and propose the adjournment afterwards, that is another matter.

Senator Nolin: I will explain to all honourable senators where I am in my own reflections. The bill aims to amend the International Boundary Waters Treaty Act. The text of the act already prohibits the diversion or removal of waters from Canadian water basins. Furthermore, the text already prohibits removing water and taking it outside the water basin in which the boundary waters are located.

I have not yet found an answer to the question of how the proposed amendment would alter this prohibition to the point of distorting it. That is the point I have reached. For this reason I am asking that the debate be adjourned in my name and that I be allowed to continue later.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Nolin, debate adjourned.

KELOWNA ACCORD IMPLEMENTATION BILL

THIRD READING—DEBATE ADJOURNED

Hon. Claudette Tardif (Deputy Leader of the Opposition) moved third reading of Bill C-292, An Act to implement the Kelowna Accord.—(*Honourable Senator St. Germain, P.C.*)

She said: Honourable senators, it is common knowledge that this bill was introduced by the Right Honourable Paul Martin during the last session of 2006. However, the bill died on the Order Paper, while under consideration by the Senate committee, when the Conservative government prorogued Parliament in 2007.

The bill was reinstated in October 2007 and was thoroughly examined by the Standing Senate Committee on Aboriginal Peoples. The committee reported the bill in the Senate without amendment. During the committee’s consideration of the bill, the chair, Senator St. Germain, stated:

This committee has worked historically in a non-partisan fashion in trying to accomplish the goals of improving the plight of First Nations in this country. There is no reason why we cannot continue along those lines.

Canadian Aboriginal peoples view Bill C-292 as an optimistic step in the right direction. We hope that this vital measure will pass through third reading as quickly as possible.

On motion of Senator Comeau, for Senator St. Germain, debate adjourned.

[English]

POST-SECONDARY EDUCATION

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Hubley, calling the attention of the Senate to questions concerning post-secondary education in Canada.
—(Honourable Senator Tardif)

Hon. Vivienne Poy: Honourable senators, this inquiry stands in the name of Senator Tardif, and Senator Cowan will be speaking on this inquiry following my remarks today. Thereafter, I would request that the inquiry continue to stand in the name of Senator Tardif following Senator Cowan's remarks.

The Hon. the Speaker *pro tempore*: Is that agreed, honourable senators?

Hon. Senators: Agreed.

Senator Poy: Honourable senators, I rise today to speak on Senator Hubley's inquiry on post-secondary education, on the occasion of the tenth anniversary of the release of the Special Senate Report on Post-Secondary Education. As Senator Hubley has emphasized, many of the issues and concerns highlighted by that committee a decade ago are still relevant today from what we have heard from the post-secondary students who visited many of our offices over the past few months.

Post-secondary education is a priority because it is fundamentally linked to Canada's future. There are three interconnected issues on which I would like to speak. They are affordability, attracting international students and developing research capacity.

In March 2007, the Council of Ministers of Education, Canada, CMEC, an intergovernmental body founded in 1967 by the ministers of education from all provinces and territories, which deals with pan-Canadian education issues, wrote to the Minister of Human Resources and Social Development, the Honourable Monte Solberg, indicating that post-secondary education is at a critical juncture. In that letter, the council claimed that federal cash transfers for post-secondary education are lower today than they were in 1994-95.

During the last decade, as funding declined, we have also seen a steady increase in student enrolment in post-secondary education. As Senator Hubley stressed, post-secondary education has

become a requirement for employment in the workplace. The result is that the institutions are stretched to their capacity and beyond, students are mired in debt, and the cost of tuition is climbing exponentially. This situation is not sustainable.

I do not want to suggest that the picture is entirely bleak. Since the late 1990s, there has been some reinvestment in education, most notably the creation of the Canadian Foundation for Innovation and the funding for the Canada Research Chairs Program.

• (1510)

These two very successful initiatives did much to spur innovation in our universities and attracted top researchers to Canada.

In addition, the Millennium Scholarship Foundation provided support for needy students. The endowment for the foundation was set to expire by the end of next year, and I am happy to note that the Canada Student Grant Program has been announced in Budget 2008 to replace this funding.

However, despite the renewed investment, the essential finding of the Council of Ministers of Education in Canada in its 2007 report is unchanged that Canada is less affordable than all 11 European countries except Italy and the United Kingdom. The report also found that, as post-secondary education has become less affordable, the burden of the cost of education has shifted steadily on to the shoulders of parents and their children. I am sure that if one was to ask any student in Canada they would say that they are graduating with a mountain of debt as they enter the workforce.

Although federal funding is increasing for post-secondary education, the amount is not dedicated to post-secondary education and there is no way to ensure that funding intended for post-secondary education is not diverted to other provincial priorities. If post-secondary education is to be a priority, its federal transfer must be dedicated funding with accountability built into the system.

Another avenue for increasing the revenues of post-secondary institutions is that of international students. Indeed, international students can do much more than provide a source of additional revenues through their differential tuitions; they also help to build long-term links to other global institutions and provide Canadian-born students with an opportunity to learn from other cultural perspectives.

As a result of the benefits to be gained from internationalizing campuses, there has been a worldwide effort to attract international students. Unfortunately, Canada has fallen behind the U.S., the U.K., Australia, France and Germany in the number of international students it attracts.

Ten years ago, the report of the Special Senate Committee on Post-Secondary Education recommended that Canada create a national strategy to attract international students. Regrettably, Canada did not develop such a strategy. Australia, which has made a major effort in this regard over the last decade, now has more international students per capita than the U.S. We are lagging behind in this area and that is a great loss to our students, institutions and economy, which can only benefit from attracting the best and brightest from around the world.

Finally, perhaps the most important reason that we must focus on post-secondary education is that the entrepreneurial nations of the world have moved beyond dependence on natural resources to emphasize innovation and build international knowledge economies. Canada has fallen far behind. For Canadians to be referred to as “Mexicans with sweaters” in the book by Andrea Mandel-Campbell, *Why Mexicans Don't Drink Molson*, is very disturbing.

Honourable senators, our colleges and universities are research centres that will spur our competitive advantage. They train our labour force and are breeding grounds for innovation.

Consider the case of Jim Balsillie, the chairman and co-CEO at Research In Motion and a graduate from a commerce program at the University of Toronto. He invented the BlackBerry, which many cannot do without. His vision has changed the way we do business and conduct our daily lives. Incidentally, Mike Lazaridis, president and co-CEO of Research In Motion, illustrates the need to attract the best and brightest from around the world. He came to Canada from Turkey and studied at the University of Waterloo. Needless to say, he has made a great contribution to this country and the world. Together, they have built one of the most successful Canadian international corporations.

In a time when innovation is most needed to tackle our global problems, higher education is the most important key to our future as a nation. Honourable senators, I do not see enough of a long-term, sustained commitment to research in universities. We need a strategy to spur innovation and that is why I support the call of the Canadian Council on Learning for a national framework to set goals and measure progress.

The recent report of the Conference Board of Canada ranks Canada's performance in innovation at 14 out of 17 OECD countries. In terms of research and development investment, we rate twelfth among those same countries. In fact, our rates of investment in R&D have actually declined between 2001 and 2005.

Honourable senators, post-secondary education is the tool that Canada can use to transform our society and to help meet future challenges. We cannot afford the luxury of being complacent with our abundant, though non-renewable, natural resources. We live in a competitive world and the knowledge economy is our future.

Sir Wilfrid Laurier said in 1902:

No, this is not a time for deliberation, this is a time for action. The flood-tide is upon us that leads on to fortune, if we let it pass, it may never recur again. . . .

Hon. James S. Cowan: Honourable senators, I congratulate Senator Hubley for her initiative in launching this inquiry into the status of higher education in Canada and commend all who have made thoughtful interventions in the debate. Post-secondary education has been a long-standing interest of mine, and I wish to take a few minutes this afternoon to contribute to the discussion.

Canada has a world-class education system composed of universities, community colleges and polytechnic institutions. Ensuring access to the system by all qualified students, regardless of their personal financial circumstances, should be a national objective. Ensuring the quality of the system is a complementary

and equally important objective. Financing higher education in Canada, or in any country for that matter, is a cooperative venture involving post-secondary educational institutions, governments, private benefactors, students and, in many cases, as Senator Poy pointed out, their families.

Each of these partners has an important role to play in ensuring accessibility to and sustainability of that system. Achieving a proper level of financial support and balance amongst the contributors of that support is critical to achieving the twin goals of accessibility and sustainability. Institutions play their part by providing scholarships, prizes and employment to students. Governments support institutions by direct grants for operating expenses and for research and through various tax measures, such as registered education savings plans.

The private sector is an increasingly important source of financial support. Most universities and colleges are aggressively and successfully attracting such philanthropic support, and students obviously support the system through their payment of tuition fees.

Private philanthropy has always played a major role in the financing of Canada's education system and has increasingly become a focus of our universities and colleges. As one of Canada's leading fundraising consultants, Ketchum Canada Inc. has recently noted the fundraising environment in Canada is characterized by two key factors:

On the one hand, there is substantially more competition. On the other hand, interest and awareness in philanthropy and its impact on non-profit organizations continues to grow.

• (1520)

According to most recently available statistics from the Canada Revenue Agency, there are almost 83,000 registered charities in Canada, and another 80,000 non-profit organizations without registered charity status.

In the spring of 2007, Ketchum estimated that there were more than 160 major fundraising campaigns under way in Canada, with total financial goals of almost \$10 billion. The good news is that charitable giving in Canada rose by more than 13 per cent in 2004-05, to about \$10.7 billion. Individual Canadians account for approximately 75 per cent of donations to Canadian charities.

While these trends are encouraging, they are but one part of the financial puzzle that is our post-secondary education system. Despite strong support from governments and benefactors, higher education remains beyond the means of many young Canadians.

Senator Goldstein has drawn our attention to the staggering levels of student debt, which are the inevitable result of the escalating costs of obtaining post-secondary education in Canada. As he pointed out during his October 23, 2007, speech on Bill S-205:

. . . the cost of post-secondary education in Canada has risen dramatically over the past two decades, with the average annual cost of undergraduate tuition jumping by more than 100 per cent, from \$1,800 in 1989-90 to over

\$4,000 in 2003-04. A similar jump was seen at the college level, with the average tuition in provinces other than Quebec more than doubling, from \$1,000 to over \$2,000, during the same period. However, it was professional schools that experienced the most dramatic tuition hikes, with the cost of medical school in Ontario, for example, skyrocketing 500 per cent, from under \$3,000 in 1989-90 to roughly \$15,000 in 2003-04. For many families, indeed most families, these costs are prohibitive, and students are forced to borrow money if they wish to attend college or university.

Not surprisingly, rising tuition costs have also been accompanied by growing levels of student debt. Many students are borrowing more money to finance their post-secondary education. From 1990 to 2006, the proportion of Canadian undergraduates with debt at graduation rose from 45 per cent to 59 per cent, and the average debt load for undergraduates with loans more than doubled, from \$11,600 to over \$24,000. In 2003-04, government student loans were the second largest source of funding for post-secondary students, covering approximately 19 per cent of their costs. In 2005-06, the Canada Student Loans Program loaned roughly \$1.9 billion to 350,000 post-secondary students. Its total outstanding loan portfolio in that year was \$8.2 billion owed by 990,000 current and former students.

Despite these concerns about rising tuition fees and student debt, it must be recognized that tuition fees obviously pay only a portion of the cost of providing academic programs to students. On average, at my own University of Dalhousie, for example, tuition revenue per full-time equivalent student constitutes 40.3 per cent of the direct and indirect costs of academic programming. The percentage ranges from 18.6 per cent in dentistry to 72.3 per cent in arts and social sciences.

While tuition fees at Dalhousie — and indeed at most Nova Scotia universities — are amongst the highest in Canada for most programs, provincial grants from the Government of Nova Scotia on a per student basis are amongst the lowest in Canada, although such grants are amongst the highest on a per capita basis. This is so because only 48 per cent of students attending Dalhousie University come from Nova Scotia. The remaining 52 per cent come from the rest of Canada and around the world.

In Nova Scotia, as in most other jurisdictions, there has been great pressure on government to reduce, or at least cap, tuition fee increases. To the extent that government grants rise as an offset to reduce tuition revenue, there is no net gain to the total funding for the university. To the extent that tuition revenue is frozen or reduced, the burden to fund increased operating costs is shifted entirely to the provincial operating entity.

Most Canadian universities were essentially private institutions relying on tuition fees and philanthropy until the mid-20th century, when government began to play a more active role in the financing of post-secondary education in this country.

In my own province of Nova Scotia, by 1990-91, 73 per cent of the operating revenues of Nova Scotia universities were provided by the Government of Nova Scotia. By 2004-05, that percentage had dropped to 40.7 per cent.

[Senator Cowan]

Canadian universities are caught in a severe financial squeeze. On the one hand, as I have said, they face increasing and understandable pressure from students and government alike to control costs and reduce tuition fees, while on the other hand they are struggling to ensure that they can continue to attract and retain world class faculty and support staff, all at a time when they need to expand and maintain the quality of their physical plant — not just building new facilities, but maintaining existing infrastructure.

In 2000, the Canadian Association of University Business Officers, CAUBO, estimated that collectively Canadian universities had a staggering \$3.6 billion worth of deferred maintenance. One can only imagine that the number is even higher today. At Dalhousie alone, the most recent estimate of the deferred maintenance millstone was \$235 million.

Best practice would suggest a standard annual expenditure on facilities maintenance of 2 per cent of the value of an institution's fixed assets. Most Canadian universities, including Dalhousie, are spending less than 1 per cent on such maintenance. As a result, they are falling further behind with each passing year. The problem is getting worse, not better. Our colleague Senator Moore has more than once drawn the attention of the Senate to this pressing issue of deferred maintenance.

Despite all of these pressures, Canadian universities do their utmost to provide assistance to their students. In 2004-05, Canadian universities spent 4.3 per cent of their total revenues on student scholarships, bursaries and prizes. Dalhousie spent 8.6 per cent of its total revenue, or 43 per cent of its total tuition revenue, on scholarships, bursaries, prizes and student employment. At Dalhousie in 2005-06, 28.4 per cent of the total student population received some form of student financial assistance, such as scholarships, bursaries and/or employment.

Many Canadian universities, as Senator Poy pointed out to us, are contributing to society by carrying out world-class research. Such research projects are generously supported by provincial and federal governments, their funding agencies and by the private sector, yet even these welcome research activities come at a cost to the universities. It is estimated that the indirect costs of research run at approximately 40 per cent. The federal government, by far the largest funder of research in this country, funds such indirect costs at a rate of only 25 per cent. The recent budget proposed a modest increase in the level of this support.

Honourable senators, it was not my intention this afternoon to propose any solutions to the challenges facing Canadian post-secondary educational institutions and those who will support, attend or wish to attend such institutions. My purpose is to celebrate the national treasure that is our system of universities, community colleges and polytechnical institutions, and to draw attention to the twin challenges of ensuring and enhancing the quality of the system itself while striving to ensure access to that system by all qualified students, regardless of their personal financial circumstances.

• (1530)

Honourable senators, a highly skilled and educated workforce is of critical importance to the future economic growth and prosperity of our country. Surely there can be no higher priority

than the education of our young people. Our colleague Senator Goldstein expressed it very well in the speech I referred to a few moments ago when he said the following:

Canada's competitiveness in a global economy depends in large measure on the knowledge and skills of its citizens, especially given the growing importance of advanced technology. A highly trained workforce is also needed to raise Canada's productivity, to drive innovation and to attract foreign investment. Accessible, high-quality education is essential to ensuring that Canada has a skilled and innovative workforce required to remain economically competitive and socially progressive in the 21st century. An educated workforce benefits the Canadian economy and Canadian society as a whole.

Honourable senators, why should Canada not aspire to be a nation that ensures that post-secondary education in a properly financed post-secondary education system is available and affordable to all qualified students without regard to their personal financial circumstances?

Hon. Michael A. Meighen: Would the honourable senator accept a question?

Senator Cowan: By all means.

Senator Meighen: First, I congratulate the honourable senator on an excellent speech. There is great food for thought there. I am sorry the honourable senator did not propose solutions, because I think many of us are searching for those solutions.

I wonder if the honourable senator has the same information I received and whether he has any comment on it. I have been told that in Nova Scotia the fees are the highest per capita in the land. However, more important, and notwithstanding that, attendance at post-secondary universities in Nova Scotia is the highest in the land. The converse of that is that in Quebec, my province of birth, the fees are the lowest in the land and so is the per capita attendance at university.

Does Senator Cowan have any explanation for that apparent contradiction?

Senator Cowan: I thank the honourable senator for his question. I have had the same discussion with students at Dalhousie University who regularly complain to the board about the effect of raising tuition fees. What I have heard is exactly what the honourable senator has said, that tuition fees in Quebec are the lowest in the country and, if not the highest, amongst the highest, in Nova Scotia. Yet, more and more students continue to apply to Nova Scotia universities and participation is at least as high in Nova Scotia as it is elsewhere. High tuition fees do not seem to deter people from attending university, and low fees do not ensure a greater percentage of young people will attend university. That is certainly my understanding.

The Hon. the Speaker pro tempore: Is the Honourable Senator Cowan asking for more time?

Senator Cowan: I would be happy to continue the discussion if Senator Meighen wishes.

The Hon. the Speaker pro tempore: Five more minutes.

Senator Meighen: I am always struck by the fact that, given what the honourable senator just said, in the United States, admittedly primarily in the private universities there, the fees are, by our standards, astronomical; mind you, so are the endowments. Therefore, most students who have the intellectual capacity to attend but not the financial wherewithal are not deterred or prevented from attending.

Does Senator Cowan have any bias as to where the solution might possibly lie? Is it in keeping tuition fees extremely low, perhaps extraordinarily low in this country, or is it in augmenting the financial aid that is available to students who have the intellectual capacity but not the finances to attend?

Senator Cowan: My bias is in favour of the latter. I think that either artificially freezing tuition fees or lowering tuition fees, by itself, would not solve the problem. The way to deal, at least in part, with this issue of accessibility is to provide more money to allow the tuition fees to rise and to allocate a greater share of that money in supporting students who need assistance.

There are many students who are fortunate enough to be able, through their own or family resources, to attend university, regardless of what the tuition fees are. It does not seem sensible to me to artificially depress the tuition fees that students pay, so I would like to see those fees allowed to rise and to use that money to support those students who cannot otherwise attend.

Hon. Serge Joyal: Would the honourable senator accept a question?

Senator Cowan: Absolutely.

Senator Joyal: I have been led into this debate by the comments made by our colleague Senator Meighen on the attendance at universities in Quebec.

Are honourable senators not aware that although the statistics on attendance at the university level in Quebec are rather low compared to the average in Canada, it is in the province of Quebec where the number of Ph.D.s is the highest in Canada? Therefore, what we do not have in quantity, we have in quality.

I say that with the greatest respect for Senator Meighen. I know that Senator Meighen has spent a significant amount of time and energy supporting the university community in Canada, and I have great respect and admiration for his efforts.

However, honourable senators, to understand the picture of university attendance, rather than just looking at the university spectrum we must look into the secondary level of education. The problem in Quebec — and my colleague Senator Nolin is well aware of this — essentially lies with the dropout rate at the secondary level. The numbers are astounding. In some regions of the province, the dropout rate in secondary school is over 45 per cent, which is close to half. In the Montreal region, I believe the dropout rate is 40 per cent. In the Eastern Township region, which the honourable senator knows well, the dropout rate is 47 per cent.

If one is to understand the plight of the university community, we must look at the overall condition of the education system in a province in order to arrive at a fair conclusion about the performance of the university.

Senator Cowan: I absolutely agree. Those are helpful comments.

By way of additional comment, I was pleased to hear Senator Callbeck propose a reference the other day to our Standing Senate Committee on Social Affairs, Science and Technology for a study — 10 years after the Bonnell report — on the state of post-secondary education. I would certainly support using that study as a vehicle to explore the very kinds of things that Senator Joyal and Senator Meighen have brought to our attention this afternoon.

On motion of Senator Tardif, debate adjourned.

• (1540)

STUDY ON GOVERNMENT SCIENCE AND TECHNOLOGY STRATEGY

INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE ADJOURNED

Leave having been given to revert to Other Business, Reports of Committees, Item No. 5:

The Senate proceeded to consideration of the sixteenth report (interim) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Mobilizing Science and Technology to Canada's Advantage*.—(Honourable Senator Eggleton, P.C.)

Hon. Art Eggleton moved the adoption of the report.

He said: Honourable senators, I wish to speak to the sixteenth report of the Standing Senate Committee on Social Affairs, Science and Technology. As honourable senators know, it is the mandate of our committee to examine issues relating to science and technology, S&T, which includes the federal government's new Science and Technology Strategy. In an increasingly knowledge-based economy, it has become ever more important that Canada remains a substantial competitor through strong commitments to science, research and development. The strength of our power to research and innovate will ultimately determine our ability to achieve and retain a reputation of being a world leader in science and technology.

Witnesses at the committee included the Minister of Industry, as well as other representatives from industry, higher education and government. All spoke favourably about the new Science and Technology Strategy. The committee had a favourable impression. I was rather surprised, therefore, by the opening comments today from the Honourable Senator LeBreton with respect to the release of this document. I believe this document is saying, "Okay, you have a science and technology strategy. We like what we hear, but we would like to make some suggestions on the basis of some of the representations that we have heard so that we can help you in strengthening the policy."

Honourable senators, I want to assure the Leader of the Government in the Senate that we do applaud the work of the government in this respect and have a few additional suggestions to add.

I would like to go through the 12 recommendations briefly to illustrate that. Recommendation No. 1 points out that the government has adopted four areas of priority to stress

research. They are environmental science and technology, natural resources and energy, health and related life sciences and information communications technology. That is fine; it is good to set priorities. However, we are also saying that they should not limit additional funding in the S&T envelope to just those four categories. There is basic research and other types of research that are quite valuable to this country. For example, the Canadarm 2 and Dextre, which is used on the international space station, demonstrate outstanding research and development, R&D, in robotics. The chemistry research done by Nobel Prize winner John Polanyi is another example. Neither of these examples would have qualified if just those four envelopes had been funded. Basic research leads to those types of achievements in our country, and we should not forget them. We are simply saying: Have priorities but do not forget the other types of research as well.

Recommendation No. 2 deals with venture capital funding. We were told by many witnesses that venture capital funding is a big problem in Canada. They get the discoveries and a product, but they cannot get it to market, nor can they get the venture capital. Frequently, they must go south of the border to get that venture capital, which takes it out of Canadian hands in many cases. Therefore, we are pointing out the need for further focus in that area.

In Recommendation No. 3 we deal with the Science Research and Experimental Development Tax Credit, which is the biggest government program at this point in time to assist the research and development community. However, when they set up this program in 1985, they only placed a \$2-million limit on it in terms of qualified expenditures. Between 1985 and now, there has been a huge change in inflation, and the industry, Biotech Canada amongst them, a representative group of a number in the science industry, has asked that it be raised to \$10 million, which is more realistic with the type of qualified expenditures that would relate to carrying out research and development in Canada today.

Recommendation No. 4 is that the restriction limiting the 35 per cent credit to Canadian-controlled private corporations be lifted as long as foreign companies perform their R&D activities in Canada. We believe this is a useful add-on to the government's strategy because, right now, if a company, in its quest to get venture capital, for example, ends up going south of the border and is no longer being controlled in Canada, it does not qualify. The research tax credit is cut off, even if the research is being done here in the country. Most important, the research should be carried out in Canada. As long as it is in Canada, it should qualify. Companies should not be disqualified because they go outside of the country to get additional funding and may lose status as a Canadian corporation. The point of this recommendation is to ensure that the research is done here.

Recommendation No. 5 suggests a need for clarification and standardization of intellectual property regimes. The Bayh-Dole Act in the United States has helped to do that; maybe we need something similar here. Again, we are saying that we need to have a look at that.

In Recommendation No. 6, we talk about indirect costs of research, for example, operating and maintaining research laboratories, complying with safety requirements and managing intellectual property. These adjuncts to the main research grants

are allowable up to 25 per cent. The industry, academics and others are saying that is not a realistic level. In the United States, it is around 50 per cent. That level should be raised to 40 per cent to help our researchers be more competitive in terms of dealing with those types of indirect costs.

Recommendation No. 7 and Recommendation No. 8 deal with the people advantage, which, again, was part of the report, both to help encourage students in the Canadian context and also foreign students, for example, foreign students running into credential problems. We have heard about that problem before in many other areas of endeavour and believe this needs a little more attention if we are to ensure the type of people graduating from our institutions can help carry out research and development in the future.

Recommendation No. 9 is that the Government of Canada ensure that the products of federally funded research and development activities, including intellectual property, are used for the long-term benefits of Canadians. These safeguards for Canadians should remain in place, even if the company receiving the federal research funds moves into foreign ownership. This directly relates to the tenth recommendation.

In Recommendation No. 10, we are asking the Minister of Industry, using discretion under the Investment Canada Act, to block the sale of MacDonald, Dettwiler and Associates Limited to Alliant Techsystems so that the ownership of RADARSAT-2 remains in Canada. We put that recommendation together when the minister still had the matter under consideration. Since then, he has announced that it was his intention to stop this sale of MacDonald, Dettwiler and Associates Limited, and we applaud the minister for that. We leave the recommendation unchanged because there is still a final decision to come with respect to that matter. We trust that final decision will continue in the line that the minister has already indicated.

Recommendation No. 9 is the general principle, and Recommendation No. 10 is specific to the RADARSAT 2 investments by the federal government.

Recommendation No. 11 asks that the Government of Canada recognize that social scientists are an integral component of scientific discovery and increase funding for social science research. Unfortunately, it seems to have been left out here. The humanities and social sciences are an important, integral component of each of the four areas that have been identified in the strategy, yet they have not been incorporated in a noticeable way at all. We are suggesting that social sciences need to be part of that.

Finally, there is Recommendation No. 12. A number of my colleagues were concerned about the low representation of Atlantic Canada in the distribution of the Network Centres for Excellence, and we are asking that further consideration be given to more balance with respect to Atlantic Canada.

• (1550)

Honourable senators, when Mr. Prentice appeared before the committee, he made it clear: Countries that invest aggressively in innovation have high standards of living and high quality of life. The government's Mobilizing Science and Technology strategy is

an essential part of our future as a nation. This new S&T strategy has the promise of making a significant contribution to Canadian society as a whole, and its implementation should be considered a priority.

With this report, our committee hopes to highlight how this strategy can be the most effective and make the greatest impact on both the scientific community and our nation's position in the global knowledge economy.

Honourable senators, this report is submitted as the sixteenth report of our committee.

On motion of Senator Keon, debate adjourned.

THE SENATE

MOTION TO URGE GOVERNMENT TO RECOGNIZE SERVICE OF BOMBER COMMAND IN LIBERATION OF EUROPE DURING WORLD WAR II— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Meighen, seconded by the Honourable Senator Johnson:

That the Senate urge the Government of Canada to take appropriate steps to end the long and unjust delay in recognition of Bomber Command service and sacrifice by Canadians in the liberation of Europe during the Second World War.—(*Honourable Senator Stratton*)

Hon. Hugh Segal: Honourable senators, I rise today to speak in support of our colleague Senator Meighen's motion that you see before you, that the Government of Canada take appropriate steps to end the long and unjust delay in recognition of Bomber Command service and sacrifice by Canadians in the liberation of Europe during the Second World War.

I reference Senator Meighen's numbers from his own speech in this place: 18,000 Canadians participated in Bomber Command, and nearly 10,000 of them lost their lives, including 91 Women's Auxiliary Air Force members.

It is in the very nature of war that normal, hardworking and decent people are called upon to do extraordinary things that do not, in peacetime, seem normal. The Canadian airmen who served in Bomber Command experienced casualty levels unparalleled in other aspects of the armed services. These were normal, hardworking and decent people who did extraordinary things.

There is a small chart in the Cabinet war rooms underneath Whitehall that shows how deaths and bomb weights increased in London when the Nazis resorted to the "buzzbombs" or rocket-powered ordnance that landed on civilian London neighbourhoods. These were notoriously inaccurate, and without the telltale warning time of Luftwaffe bombing runs. They were also especially deadly and caused thousands of casualties.

We live today in a time when every single Canadian military tragic casualty or death is a cause for pause, and broadly both mourned and reflected upon, as it should be. It is hard to think about a time when soldiers and civilians on both sides died in the hundreds and thousands, or in one battle on one day, on one beach, such as Dieppe, where more Canadians would perish in the service of freedom than we have lost over six years in Afghanistan. But those were the times then — when hundreds would perish nightly under Luftwaffe raids on civilian London.

I much prefer our times, and feel fortunate that my generation gets to live in our times as opposed to those of 1914-18 or 1939-45, but I have no illusions about how we got here. It was because of the Commonwealth flyers and navigators, air crew and maintenance teams and, yes, bombardiers of Bomber Command, including the Canadians who served and their commitment not to shirk from the difficult but vital task. Sir Winston Churchill wrote to Sir Arthur Travers “Bomber” Harris to thank him for the remarkable job and huge risks his crews took on behalf of king and country, a letter I have asked to have posted prominently next to the exhibit on Bomber Command’s activities.

It would have been better had the nature of German leadership at the time not been a fanatical, racist and nationalist socialist cult, unable to sue for an honourable peace when it was clear that stalemate at best, and defeat most probably, lay ahead for them. Another German government more reflective of the civility and equilibrium of German history might have so engaged, but that did not happen. Taking the war to Germany was the only way to end the war. Taking the war to Germany, in one of those ironical insanities that war produces, was the only way to achieve peace and save lives.

I would like to take a moment today to congratulate Senator Day and his colleagues on the Subcommittee on Veterans Affairs for the work that they did in brokering a rational and balanced sort-through on the Bomber Command exhibit itself without violating curatorial independence, essential to any museum’s reputation and integrity, or deserting our obligation to the aircrews, flyers and service people who served our country at great risk and huge loss in a vital action without which the war would have continued for many months and years, killing many more thousands on both sides.

The Canadians who served deserve a medal for their bravery and the vital nature of the campaign from our own government and the Chancery of Awards at Government House, Rideau Hall. They were our young Canadians whose service, death, survival and mission symbolized who we have always been when the choices are few and survival of freedom itself is at stake. There is no ideology here. There is no embrace or affection for the calamities and brutality of war. There is no relish that German civilians perished in the process.

There is, however, a realization that had the Nazis been victorious, Europe and the British Isles, large parts of North Africa and the Middle East would have been under Nazi German hegemony. While the new world would have fought on, even with the brave and determined support of our Russian allies, we would have faced an Axis power to our West and a unified Nazi Europe across the Atlantic. Concentration camps would have expanded. Political repression would have deepened. A racist view of the world would have become the reality for tens of millions under

the Nazi jackboot. Our task, with our American and Australian Allies, would have been immeasurably harder.

Canadians who served at Dieppe, who fought up the spine of Italy, who landed at Juno or who braved the cold Atlantic to resupply the war effort and the engine of democracy which the United Kingdom became against the Nazi onslaught, or who liberated France, Holland and Belgium, have all been recognized with a decoration by which their service is gratefully acknowledged by a nation that knew of sacrifices and did not take them for granted.

Those of Bomber Command who served and were wounded, who served and perished at enemy hands, who served and returned to help build Canada itself, have no such recognition. That is what Senator Meighen and others in this place are asking for when moving this motion ahead.

Let me be clear: This is not an opportunity for celebrating war but, rather, and more important, an opportunity to recognize service, bravery, loyalty, sacrifice and the determination to do what was necessary to protect Canada and everything we today enjoy and hold dear. It is hard to imagine that Canada and the rest of the Allies faced an existential threat back then — their own very survival was at play — but we did. The fact that it seems so remote from our free and democratic, pluralist and optimistic lives today is because of what Bomber Command did over the skies of the enemy, an enemy who had chosen first to do the very same to civilian populations throughout Europe and in the United Kingdom.

• (1600)

Canadians are the beneficiaries of Bomber Command, just as we are of those who served and perished or were wounded or who returned to build Canada from other challenging battles, none more demanding than the Bomber Command task that was faced.

Together we should ensure that a grateful nation expresses to those members who are still among us and to the families of those who are not that we are grateful, we have not forgotten, and their service mattered deeply to us all and to the very outcome of the war.

Hon. Tommy Banks: Honourable senators, I will ask a question, if I may. I apologize for asking it here. I probably should have asked it elsewhere, but the honourable senator may know the answer. No one would take issue with anything Senator Segal said or anything that is in Senator Meighen’s bill. However, there is apparently an impediment, if I remember correctly, in that the 19,000 Canadians who served in Bomber Command were serving in the RAF, not in the RCAF. Bomber Command was a function of the Royal Air Force. I wonder whether we will rely on someone else to find appropriate steps, as the bill says, “to urge.” It looks like the Government of Canada will have to urge the Government of the United Kingdom to make such recognition, since it is the policy of the Canadian armed forces to not recognize those Canadians who served in the armed forces of other nations. I am not sure if I have that correctly. It would not, in any case, change the intent of the bill. I wonder if Senator Segal knows any of the details.

Senator Segal: I do not believe Senator Banks is wrong on the technicality. I believe he is spot-on. There is quite a campaign underway in the United Kingdom to have this matter addressed

as well. It relates to flyers from other Commonwealth countries who were part of the effort at that time. Should the British government, in its wisdom, for whatever reason, decide not to proceed, I would take the hopeful perspective that we would have the courage to recognize those Canadian flyers who served. The distinction today between the RCAF and the RAF is of value and important for a host of legitimate, historical reasons. However, so much of what the Allies did were joint activities where people from different armed forces worked together in a common effort that it would be a mistake if the technicality that the honourable senator references, which is absolutely spot-on, stood in the way of appropriate recognition. My hope would be that should this chamber in its wisdom choose to approve and support the motion as put forward by my colleague, we would use that for the purpose of both urging Canadian diplomatic activity in the United Kingdom on this issue, as well as maintaining the premise that our own directorate with respect to these sorts of awards and decorations keep the option of acting on its own for Canadians should it choose to do so over time.

The only constraint, of course, is *tempus fugit*. Not many of those who served with such courage are still with us, and it would be good if we could act while there were still living survivors to share in the reflection. I think of events that took place a few years ago when a group of Canadians were invited to the French embassy to be given the Legion of Honour because they had flown, sailed or marched and landed in the liberation of France. They were not in the French armed forces; they were in our armed forces, but they were part of the liberation of an ally.

The members of our forces who were part of the RAF were part of an effort vital to the protection of our primary ally in that part of the world at that time, the United Kingdom. I hope that we would not get caught up on this, and I know that is not in any way the intent, but we have a chance to move the proposition ahead. I believe that what this chamber chooses to do will find itself expressed both on the floor of the House of Lords and the House of Commons by people who share our interest in this matter.

Hon. Joseph A. Day: Honourable senators, I thank Senator Meighen for bringing forward this motion. I know it is a matter of importance to those still living who participated in Bomber Command during the Second World War. I also thank Senator Segal for his remarks in relation to this motion.

I wish to join in the debate and at this stage I move the adjournment.

On motion of Senator Day, debate adjourned.

[*Translation*]

OFFICIAL LANGUAGES

LINGUISTIC RIGHTS—INQUIRY— DEBATE ADJOURNED

Hon. Claudette Tardif (Deputy Leader of the Opposition) rose pursuant to notice of April 2, 2008:

That she will call the attention of the Senate to the present state of linguistic rights in Canada and on the development of official-language minority communities.

She said: Honourable senators, I rise today to speak about linguistic rights in Canada and the development of official language minority communities. Although linguistic rights have been clarified over the years, the situation of Canada's official language communities outside Quebec remains precarious, and current trends in linguistic rights are disturbing. My remarks today give a quick overview of linguistic rights, look at current trends and impacts on the official languages and make proposals for the new Action Plan on Official Languages.

Linguistic rights have to do with the equal and predominant status of English and French in Canada. Their goal is to maintain and enhance the development of the two European linguistic communities that founded Canada: the anglophone community and the francophone community. Linguistic rights in Canada emanate from the Official Languages Act and the Canadian Charter of Rights and Freedoms, as well as from certain provincial legislative measures and case law. The Official Languages Act, which was adopted in 1969 and amended in 1988 and 2005, sets out these rights and clarifies the federal government's obligations to enhance the vitality and support the development of official language communities. The Canadian Charter of Rights and Freedoms is the constitutional source of linguistic rights in Canada. Sections 16 to 22 establish that French and English have equality of status and equal rights as to their use as languages of communication and work in federal and New Brunswick institutions.

Section 23 sets out rights to education in the language of the minority. Provincial laws and case law provide additional protection. Every common law province in Canada has created a secretariat of francophone affairs, and every francophone community has set up French language school boards to oversee its own schools.

The record of case law on linguistic rights is also positive. The *Reference re Secession of Quebec* in 1988 was one turning point. It stipulated that the recognition and respect of minorities was an underlying principle of the constitutional order of Canada. The Beaulac case was another turning point. Together with the insistence of the Commissioner of Official Languages, this ruling, which recognized access to the courts in the official language of the accused's choice, encouraged Parliament to introduce a bill amending the Criminal Code that would ensure equal treatment and access to the courts in the official language of the accused's choice.

The Arsenault-Cameron ruling confirmed that, while provincial and territorial governments are responsible for implementing educational rights, they must take into account the differences in needs of majority-group and minority-group students and formalize an approach based on real equality more so than formal equality.

However, this record has recently been overshadowed by four tendencies that illustrate the state's and the government's growing indifference to official language communities: indecisive political leadership, growing minimalism in the application of the Official Languages Act, failures in legal matters and attacks on the governance of official languages.

With regard to leadership, the Government of Canada was the leader in supporting linguistic rights for a long time. The current situation shows a change in course, and not for the better. We see less commitment from the current federal government.

• (1610)

Setbacks can be seen in language of work, the governance structures for linguistic minorities, services available and language training. What is more, we are still waiting for the action plan and bills to clarify linguistic rights. Furthermore, this government leans toward decentralization to the provinces. However, the legislative and bureaucratic framework to support francophone minorities in the majority of provinces is, at best, quite new and not very well integrated into their political cultures and, at worst, completely absent.

The Commissioner of Official Languages has noted the minimalism in the application of the Official Languages Act in terms of services, bilingualism requirements for public service positions and training available in French. According to the Commissioner of Official Languages, the active offer of services in French has dropped from 24 per cent to 13 per cent in 37 departments and agencies in the federal public service.

Services in French at Air Canada, inadequate training in French in the Canadian Forces and the government's decision in *Doucet v. the Government of Canada* are other examples of the minimal and case by case application of the act. In *Doucet*, the government chose to limit the RCMP's language obligations to a single detachment, the Amherst detachment, instead of taking into account the linguistic rights of the travelling public on the Trans-Canada Highway. Moving the head office of the Canadian Tourism Commission from Ottawa to Vancouver is another example of minimal application of the Official Languages Act. Because a federal head office is moved from a bilingual region to a unilingual region, the employees of that institution lose their language of work rights under Part V of the Official Languages Act.

The Standing Senate Committee on Official Languages reviewed this issue and recommended that the government draft language of work regulations that establish rights for federal employees in all head offices across the country to work in the official language of their choice. Rather than operate on a case-by-case basis as it did for the Canadian Tourism Commission, the government could have taken advantage of the opportunity to show leadership by expanding the law's application framework while complying with the new requirements under Part VII of the Official Languages Act to implement positive measures to support the development of official language communities.

Let us not forget that in November 2005, Bill S-3, sponsored by our former colleague Senator Jean-Robert Gauthier, was passed. According to that bill, federal institutions are responsible for ensuring that positive measures are implemented to support the development of official language communities, and this is enforceable before the courts. Two years on, there has been little progress in terms of implementing this amendment to Part VII of the Official Languages Act.

Despite the fact that Heritage Canada, Justice Canada and the Public Service Human Resources Management Agency of Canada are leading a task force to raise awareness among federal

institutions of their obligations under the new Part VII of the act, they have not yet clearly defined the notion of "positive measures," and they are not in a hurry to implement it.

During a meeting of the Senate Committee on Official Languages, the Commissioner of Official Languages indicated that Justice Canada tends to interpret the amendments in a restrictive fashion and is recommending prudence to the federal institutions. Moreover, the communities are still waiting to be consulted and brought into the discussion around developing definitions of "positive measures" and "evaluation criteria."

A major setback in legal matters in recent years was the abolition of the Court Challenges Program. This program helped minority groups access the courts in order to contest laws and other measures that infringed on their rights. The courts recognized the importance of supporting access to the courts for public interest cases, because the government cannot be expected to both enforce and contest the laws. But anglophone and francophone communities, for example, the Fédération des communautés francophones et acadienne and the Quebec Community Groups Network, have made an application to the Federal Court to void the decision to abolish the Court Challenges Program. The government must now develop an alternative to the program to support individuals and groups that want to go before the courts to fight for their rights. The Supreme Court of Canada highlighted the importance of the Court Challenges Program in a recent decision, which was a victory for the francophone community in New Brunswick. It acknowledged that the RCMP must offer bilingual police services everywhere in New Brunswick. According to officials at the Société des Acadiens et des Acadiennes, without the help of this program, the Paulin case never would have made it to the Supreme Court.

The most favourable decisions for official language minority communities seem to have been handed down by higher courts, especially the Supreme Court. Provincial courts are sometimes reluctant to rule in favour of official language minority communities. Thus, the elimination of the Court Challenges Program could mean that complainants will no longer be able to appeal their cases before higher courts, thereby allowing case law that is less favourable to their rights to accumulate.

The appointment of a new bilingual judge to the Supreme Court of Canada to replace Justice Michel Bastarache is of the utmost importance to official language minority communities. There are two things to be concerned about. First, if the lack of leadership and integrated vision on the part of politicians and bureaucrats continues, we run the risk that the judicial appointment process will tend to select judges who interpret language rights more strictly than previous judges.

Second, eliminating the Court Challenges Program could limit access to higher courts and reduce the number of appeals. This is worrisome for the groups and individuals concerned in the language issue, since lower courts tend to have a narrower interpretation of language rights than higher ones. Francophone communities have long been calling on the federal government to appoint bilingual judges to provincial superior courts and to the Supreme Court of Canada.

In terms of governance of official languages, two major changes have taken place since 2006. First, the Canadian government decided to make the Department of Canadian Heritage responsible for two roles: one, coordinating all activities in the federal institutions pertaining to official languages and overall implementation of the legislation; and two, managing part of the activities for which Canadian Heritage is responsible. The coordination role serves to ensure that government partners fulfill their responsibilities under the act. The management role pertains to programs likely to be targeted when carrying out the first role. It is very difficult for one department to ensure that both roles are carried out effectively and to do justice to both roles.

Second, the official languages coordination centre, the Official Languages Secretariat, was moved from the Privy Council Office to the Department of Canadian Heritage. Previously, the Privy Council Office, as a central agency, was well placed to manage the file and give direction to the rest of government. Now, Canadian Heritage, whose mandate is more of a sector mandate, has less authority and ability to influence than its predecessor.

• (1620)

The federal government also confirmed that there are no longer any departmental official languages committees, and that coordination, once the responsibility of the minister responsible for official languages, is now being carried out through bilateral meetings with colleagues whose portfolios include responsibilities in this area.

The purpose of the Action Plan for Official Languages, which was introduced in 2003 and ended in March 2008, was to breathe new life into official languages and the federal government's commitment to them. The new action plan will have to adopt an approach that does not resemble the current government's tendency toward minimalism, defensiveness and a case-by-case approach. The plan must also focus on the application of Part VII of the act, which requires federal institutions to implement positive measures to promote French and English and to support the growth and development of francophone and anglophone minorities in Canada. We need to define "positive measures" and set targets for promoting bilingualism.

The Hon. the Speaker: Honourable senators, I regret to inform Senator Tardif that her time is up. Does she have permission to continue?

Hon. Gerald J. Comeau (Deputy Leader of the Government): We will give her five more minutes.

Senator Tardif: Honourable senators, we need to define "positive measures" and set targets for promoting bilingualism and linguistic duality in the public service, the offer of services and the vitality of official language communities. The government organizations responsible for meeting these targets need to be held responsible for the success or failure of the measures in the plan. The central agencies need to be involved to provide leadership at the highest levels.

As our late colleague Senator Simard used to say, "It takes 15 years to win recognition of a right, but it takes only 15 minutes to lose it." I am therefore calling on the current government and politicians to play a leadership role in combating disengagement and the growing tendency to take a minimalist approach to linguistic rights. I also call on them to meet the federal obligations prescribed in the act.

In closing, honourable senators, I would like to say that Senator Chaput, who could not be here today, asked that the debate be adjourned in her name.

Senator Comeau: Honourable senators, we would like there to be discussion on both sides of the chamber. I suggest that a senator on this side take adjournment of the debate. Senator Chaput can take adjournment later. Does the honourable senator agree?

Senator Tardif: I have no objection.

On motion of Senator Champagne, debate adjourned.

The Senate adjourned until Wednesday, May 7, 2008, at 1:30 p.m.

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